

### **REMARKS**

Claims 1-20 are pending in this application. Claims 1, 3, 6, 8, 11 and 13 have been amended, and new claims 16-20 have been added. Applicant reserves the right to pursue the original claims and other claims in this and other applications. In view of the amendments to the claims and the remarks below, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 1, 3-6, 8-11 and 13-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No 5,341,356 to Dieleman et al. ("Dieleman"). The rejection is respectfully traversed.

Claim 1 describes an information recorder that extracts data from user data to create "data accompanying the user data" (index information, for example) that is recorded in a "Lead-Out area." Claim 1 has been amended to recite that the "data accompanying the user data" includes "at least a portion of contents of the user data." For example, as described at page 30, line 22 to page 32, line 6 of the specification, the "data accompanying the user data" could be index information and the "at least a portion of contents of the user data" that is included could be image data of at least one frame of a user video. By including a portion of the contents of the user data, such as an image from a video, for example, the data accompanying the user data can be used to readily identify associations with the user data.

Dieleman does not teach or suggest creating, from user data, "data accompanying the user data" that includes "at least a portion of contents of the user data." The Office Action suggests that Dieleman's table of contents meets the "data accompanying the user data" of claim 1. Dieleman's table of contents is described as "denoting all the addresses of the files in the already recorded information volumes." Dieleman col. 4, ll. 35-60. Dieleman's table of contents, however, does not include "a portion of the contents of the user data" as required by amended claim 1 – it merely contains addresses information corresponding to user data area recordings. Since there is no portion of the user data in Dieleman's table of contents, Dieleman does not teach or suggest creating "data accompanying the user data" that includes "at least a portion of contents of the user data."

For at least this reason, claim 1 is allowable. Claims 3-6, 8-11 and 13-15 depend from claim 1 or recite similar limitations and are allowable for at least the same reasons.

Claims 2, 7 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dieleman in view of U.S. Patent No. 6,765,853 to Ko et al ("Ko"). The rejection is respectfully traversed.

Claims 2, 7 and 12 depend from claims 1, 6 and 11, respectively, and include all limitations of their respective base claims. Claims 1, 6 and 11 are allowable over Dieleman for the reasons described above, and Ko does not cure the deficiencies of Dieleman with respect to these claims. Among other things, Ko does not teach or suggest creating "data accompanying the user data" that includes "at least a portion of contents of the user data." Ko describes defect management areas DMA 1 to DMA 4 that each include "information relating to disc defects and initialization of the disc." Col. 5, ll. 35-45. These areas do not, however, include "at least a portion of contents of the user data." Accordingly, claims 2, 7 and 12 are allowable for at least the same reasons that claims 1, 6 and 11 are allowable.

New claims 15-20 depend from claims 1, 3, 6, 8 and 11, respectively, and are allowable for at least the same reasons as their respective base claims. Claims 15-20 are allowable for additional reasons, as well. Claims 16, 18 and 20 recite that the "data accompanying the user data" includes "image data from the user data." Claims 17 and 19 similarly recite that the "index information" includes "image data from the content data." These features are not disclosed by the prior art of record, and claims 15-20 are therefore allowable for additional reasons.

In view of the above, Applicant believes the pending application is in condition for allowance.

Dated: June 15, 2011

Respectfully submitted,

By   
Mark J. Thronson

Registration No.: 33,082  
Jonathan L. Falkler  
Registration No.: 62,115  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006-5403  
(202) 420-2200  
Attorneys for Applicant